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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,234	07/06/2000	JOHN D. STEEVES	MBM1200	3942
7590 06/10/2004			EXAMINER	
LISA A HAILE GRAY CARY WARE & FREIDENRICH 4365 EXECUTIVE DRIVE SUITE 1600 SAN DIEGO, CA 92121			CHERNYSHEV, OLGA N	
			ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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060104

DATE MAILED:

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**Commissioner for Patents**

See attached.

Art Unit: 1646

**Attachment to form PTO-90C**

1. It was brought to the Examiner's attention that amendment to the claims submitted on March 11, 2004 was not taken into consideration in the office action mailed on May 06, 2004. Thus, the previous office action mailed on May 06, 2004 is now vacated and the following communication from the Office is as follows.

2. The amendment to the claims filed on March 11, 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). Specifically, amendment of claim 46 deletes limitation not previously presented in the claim ([non-]human subject). Applicant is advised to relate to the last proposed amendment to the claims on January 23, 2004 and also to the last entered amendment to the claims presented on November 08, 2002.

3. Since the reply filed on March 11, 2004 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga N. Chernyshev whose telephone number is (571) 272-0870. The examiner can normally be reached on Monday to Friday 9 AM to 5 PM ET.

Art Unit: 1646


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (571) 272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)0. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers.

Official papers filed by fax should be directed to (703) 872-9306. If this number is out of service, please call the Group receptionist for an alternative number. Faxed draft or informal communications with the examiner should be directed to (571) 273-0870. Official papers should NOT be faxed to (571) 273-0870.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga N. Chernyshev, Ph.D.

  
**OLGA N. CHERNYSHEV, PH.D.**  
**PATENT EXAMINER**